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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,927	01/14/2004	Robert A. Dolan	12521-022	6337
48276	7590	07/17/2007		
TIFFANY & BOSCO CAMELBACK ESPLANADE II, THIRD FLOOR 2525 EAST CAMELBACK ROAD PHOENIX, AZ 85016			EXAMINER BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	
			MAIL DATE	DELIVERY MODE
			07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,927	Applicant(s) DOLAN ET AL.	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) 16-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>DE 3044823 translation</u> . |

Art Unit: 3677

DETAILED ACTION

Election/Restrictions

Claims 16-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made without traverse in the paper received September 23, 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson et al. (CA 2337983) in view of Frieze (DE 3044823).

Simpson et al. (figures 3-5, 8 and the last drawing) teach a security hook for coupling a trailer to a towing vehicle using a chain 102, the chain being engaged with the trailer, the towing vehicle having a platform with a hole 112 therein, the security hook comprising: a main shaft 14 having a first end and a second end; a chain receiving portion 12 extending from the first end of the main shaft and dimensioned to receive the chain; and a U-shaped hook 16, 16a extending from the second end of the main shaft and the U-shaped hook dimensioned to engage the hole in the towing vehicle platform.

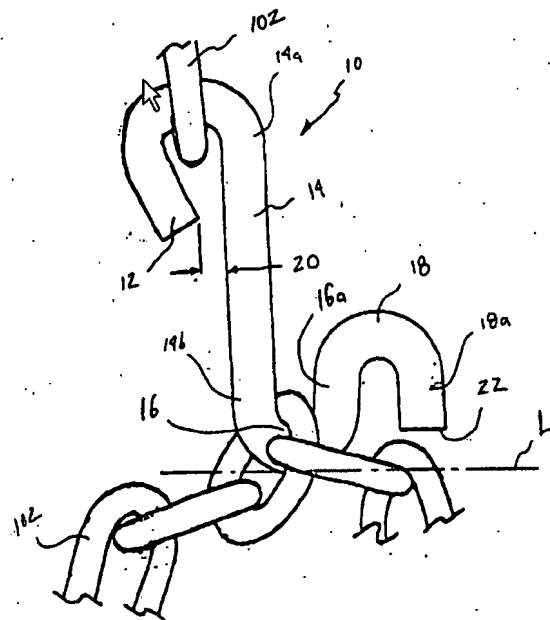


FIG. 3

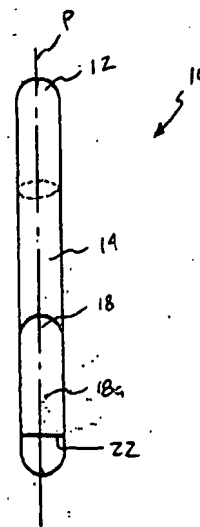


FIG. 4

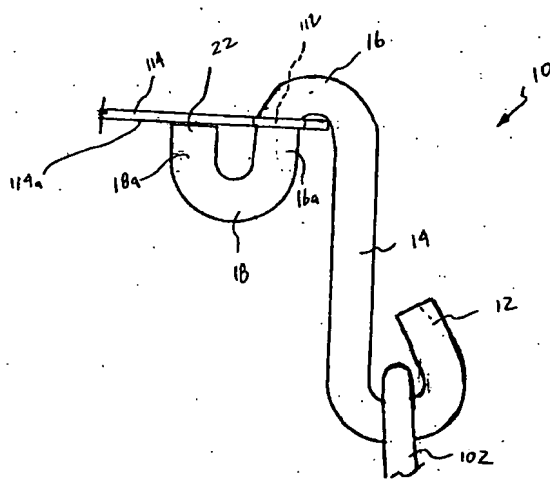
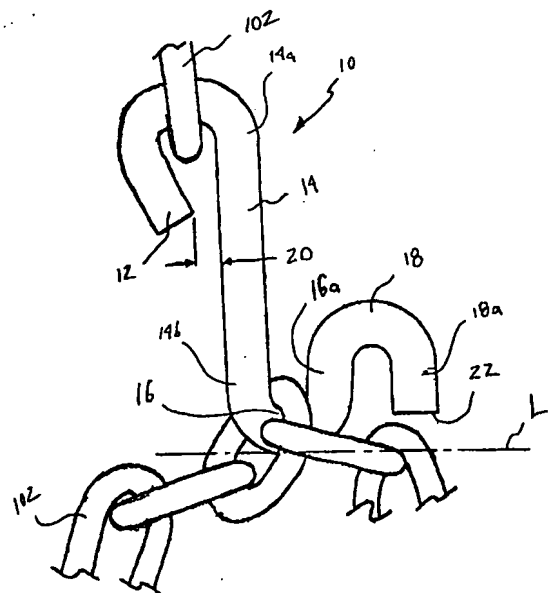


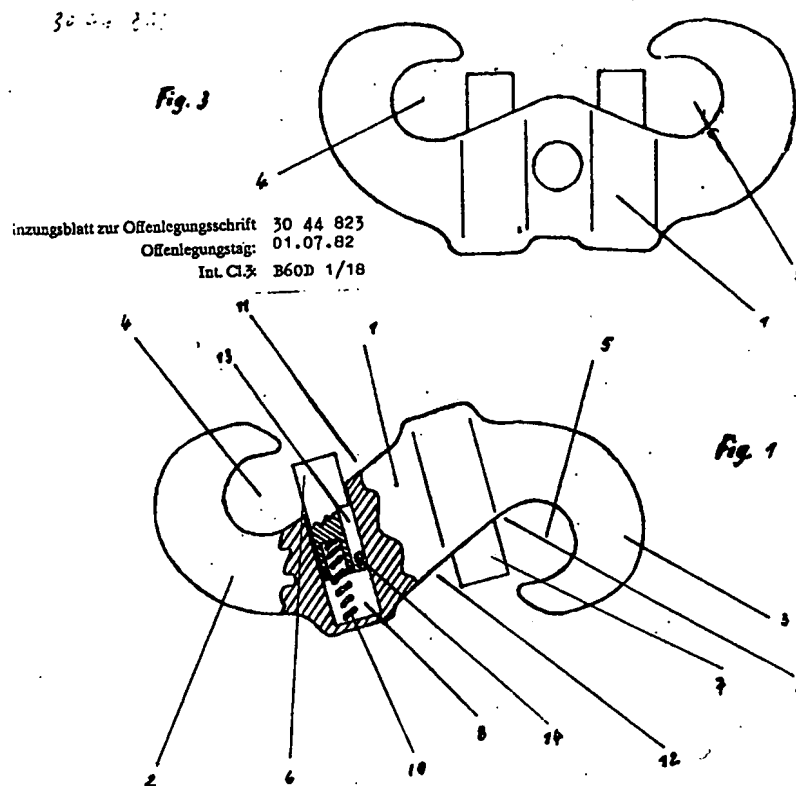
FIG. 5



Simpson et al. also indicate "Preferably, the first bend portion 16 bends to the opposite side of the main shaft portion 14 as the chain receiving member 12. However, this is not a limitation on the present invention" (page 4, line 29 - page 5, line 1). So, Simpson et al. disclose

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that while preferable the first bend portion 16 opposite the chain receiving portion, it can bend in another direction and so suggests that it is worthwhile to do so. The difference is that the first bend is disposed at a second end of the main shaft to extend toward the opposite side of the main shaft as the chain receiving portion. However, Friese teaches that in the use of hooks for towing chains that it is desirable to have the hooks 2, 3 extending either toward opposite sides of the main shaft as shown in figure 1 or positioned toward the same side of the main shaft as shown in figure 3 for a different mode providing ease of use.



As Simpson et al. teaches that his device is not limited to the first bend portion 16 bent in the opposite side of the main shaft portion as the chain receiving member, it would have been obvious to have the first bend disposed substantially vertically in-line with the chain receiving portion and positioned to extend toward the same side of the main shaft as the chain receiving

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portion in view of Friese teaching in the towing hook art that for securing chains it is desirable to have the hooks not just extend toward opposite sides of the main shaft as shown in figure 1, but as an alternative that it is desirable to have the hooks extend toward the same side of the main shaft so as to be vertically aligned as shown in figure 3 so as to provide a useful alternative in securing towing chains.

Response to Arguments

Applicant's arguments filed April 4, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, applicant alleges that though Simpson et al. states "Preferably, the first bend portion 16 bends to the opposite side of the main shaft portion 14 as the chain receiving member 12. However, this is not a limitation on the present invention" (page 4, line 29 - page 5, line 1) that modification of the hook of Simpson et al. involves "obvious to try" and that there is no suggestion to modify the device of Simpson et al. Friese explicitly shows that a safety hook should be desirably shaped so that if the hooks are not on opposite sides as shown in figure 1, then it is desirable to have them on the same side as shown in figure 3, thereby explicitly pointing toward an alternative position that meets the claim construction. Simpson et al. clearly

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recognized that the orientation of the first bend relative to the chain receiving member is a variable and that alternative orientations are clearly possible and though preferable to have the first bend on the opposite side of the main shaft as the chain receiving member, that it is not a limitation upon his disclosure and Friese directly points to have the hooks on the same side and thereby renders obvious the claimed subject matter.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/
James R. Brittain
Primary Examiner
Art Unit 3677

JRB

DE 3044823 translation

PTO 07-0488

CY=DE DATE=19820701 KIND=A1
PN=3044823

DOUBLE TOW HOOK
[DOPPEL-ABSCHLEPPHAKEN]

Paul Frieese

UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. November 2006

Translated by: FLS, Inc.

PUBLICATION COUNTRY	(10): DE
DOCUMENT NUMBER	(11): 3044823
DOCUMENT KIND	(12): A1
PUBLICATION DATE	(43): 19820701
APPLICATION NUMBER	(21): P 30 44 823.8
APPLICATION DATE	(22): 19801126
INTERNATIONAL CLASSIFICATION	(51): B 60 D 1/18
PRIORITY COUNTRY	(33): NA
PRIORITY NUMBER	(31): NA
PRIORITY DATE	(32): NA
INVENTOR	(72): Paul Frieese
APPLICANT	(71): Paul Frieese
TITLE	(54): DOUBLE TOW HOOK
FOREIGN TITLE	[54A]: DOPPEL-ABSCHLEPPHAKEN

1. A double tow hook for foolproof connection of chains, cables, eyes, brackets, drawbars, and the like, characterized by hook parts (2, 3) connected on different sides, in several parts, and on alternate sides, to a component, in oblique insertion openings (11, 12) of which the easily movable locking pins (6, 7) project locking under spring pressure (10).

2. The double tow hook according to Claim 1, wherein the hook piece (1) consists of a molded part forged in the die with a forged auxiliary hole shoulder and parallel bulging expanded hole guides (8, 9).

3. The double tow hook according to Claim 1 or 2, wherein the hook piece (1) is made of a material corresponding to the purpose of application without reworking with the corresponding guide holes (8, 9) in a casting process in prepared molds.

4. The double tow hook according to Claim 2 or 3, wherein locking pin (6, 7) has a lateral notch (13), in order to prevent the pin (14) from falling out when it is driven in and in order to ensure the correct operating position.

/2

5. The double tow hook according to Claim 3 or 4, wherein the guide holes (8, 9) are blind in order to provide protection against contamination.

6. The double tow hook according to Claim 4 or 5, wherein a receiving hole is in the middle of the hook piece (1) in order to fasten the double tow hook so that the locking pins (6,7) can be operated.

*Numbers in the margin indicate pagination in the foreign text.

7. The double tow hook according to Claim 5 or 6, wherein the hook piece (1) has a laterally projecting flange (15) with holes, in order also to fasten the double tow hook to devices in this way.

8. The double tow hook according to Claim 6 or 7, wherein the hook piece (1) is separated in the middle, so that there are two equal parts, the line of separation being rounded and made as an eye; a receiving hole is located in the eye.

9. The double tow hook according to Claim 7 or 8, wherein /3
the hook openings (4, 5) lie on the same plane.

Applicant: Engineer Paul Frieese, 79Allmendingen /4

Title: Double Tow Hook

The invention concerns a double tow hook for connecting chains, brackets, drawbars and the like, and is a further development of known connecting elements.

The object of the invention is to create a safety double tow hook, which ensures foolproof connection of chains, cables, drawbars, and the like, and which locks automatically when it is suspended, automatic release of the hook openings not being possible.

The is advantageously achieved on the basis of the invention by combining two hooks into one component, the holes for the locking /5
pins being widened as a bulge and the easily moved, projecting, locking pins locking under spring pressure.

The advantage of the arrangement according to the invention is based on the fact that a connection can be made rapidly and foolproof, and it is also possible to release the locking also rapidly by intentional operation. The usual connections with brackets, threaded bolts, nuts and the like are complicated, time-consuming, and not

foolproof to use.

Advantageously it is recommended to make the hook piece out of a molded pieced forged in the die, or as a cast finished part with the guide holes for receiving the locking pieces, capable of functioning without rehandling.

Further advantages and features of the invention are the design and form of the locking pins, the function being assured by a notch and analogous attachment of the notched pin.

A specific embodiment according to the invention is shown in the drawing. Further features and advantages can be deduced from this.

The double tow hook according to the invention consists of the /6 hook piece **1**, the hooks **2** and **3** located opposite it, and projecting into the openings **4** and **5**, and easily movable locking pins **6** and **7**. The locking pins **6** and **7** rest easily capable of moving in holes **8** and **9** under the action of compression springs **10** and **11**, that after engaging the chain elements, brackets, and the like hold them in their secure position.

The double tow hook has not through holes **8** and **9** in order to prevent unintentional locking of the locking pin **6** and **7**, the locking pins **6** and **7** also not being limited in their motion by the effect of contamination.

In the case of engaging chain elements, cables, brackets, and the like, the locking pin **6** and **7** is pushed into hole **8** and **9** by pressure and inlet bevels **11** and **12** and returns to its initial position automatically after the engaging process, the chain elements, cables, eyes, and the like being locked in the hook opening **4** and **5**. The hook openings **4** and **5** are released again by lateral pressure on the locking

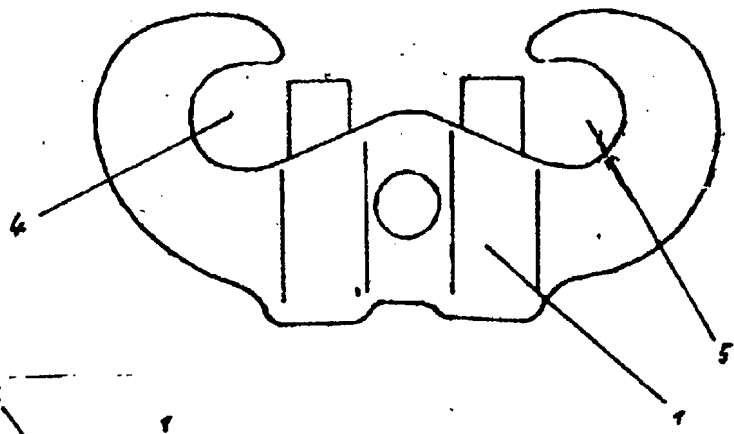
pin 6 and 7, so that the chain elements, cables, eyes, brackets and the like can be removed again.

The invention is by no means limited to the specific embodiment /7 shown in the drawing and described above. There are rather numerous modifications in the configuration of the arrangement according to the invention and design of their individual parts, without departing from the framework of the invention in this case.

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Fig. 3



1-1

Fig. 1

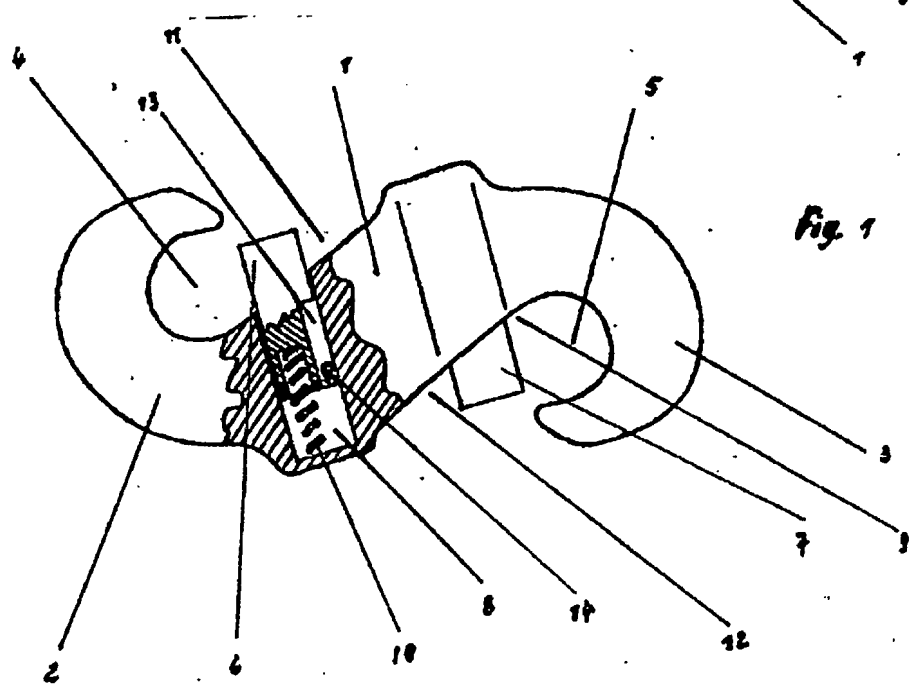


Fig. 2

